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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/842,017

04/26/2001

Shoji Suzuki

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7053

21171

7590

11/29/2006

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EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/842,017

Applicant(s)

SUZUKI, SHOJI

Examiner

Steven P. Sax

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8, 15, 18, 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 16, 17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This application has been examined. The amendment filed 9/7/06 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota et al (6337712) and Ueda et al (6429923).

4. Regarding claim 16, Shiota et al show the data processing service method for a digital camera, including: reading photographed image data stored in a memory of the digital camera (Figures 1-2, column 2 lines 30-47, column 3 lines 45-55, column 4 lines 43-53), preserving photographed image data to a storage medium accessible by a user (column 2 lines 60-67, column 3 lines 1-5 and 55-65, column 5 lines 40-60), reading identification information recorded in a memory medium (column 3 lines 40-45, column 5 lines 10-39). Shiota et al do not specifically show that the ID data is used to determine whether a transfer service is to be charged for preserving data, wherein it is charged when ID data does not match an ID corresponding to the digital camera, but do

mention using ID data for proper processing of photographic image data. Furthermore, Ueda et al show using ID data at the store to determine whether a transfer service is to be charged, based on matching characteristics (column 2 lines 40-63, column 12 lines 20-53) for proper processing of photographic image data. It would have been obvious to a person with ordinary skill in the art to have ID data used in Shiota et al to determine whether a transfer service is to be charged for preserving data, wherein it is charged when ID data does not match an ID corresponding to the digital camera, for proper processing of photographic image data.

5. Regarding claim 17, in addition to that mentioned for claim 16, the type of digital camera is identified by reading the prestored information in the memory of the camera (Shiota et al column 5 lines 10-39). Thus the ID data relates to the type of digital camera, and this is what is compared to determine if there is a charge.

6. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota et al (6337712) and Ueda et al (6429923) and Kubo et al (6795715).

7. Regarding claim 19, in addition to that mentioned for claim 16, Shiota et al do not specifically show that the interface is a single means which performs the identifying, selecting, and reading steps all at the single means, but do mention efficient processing of photographic image data by a user. Furthermore, Ueda et al do have a single means processing system which, at a single means interface performs steps of identifying

Art Unit: 2174

information relating to photographic processing, selecting a processing method accordingly, and processing accordingly (Figure 8, column 2 lines 22-45, column 8 lines 25-55, column 9 lines 20-40, column 47 lines 35-60) for efficient processing of photographic image data by a user. It would have been obvious to a person with ordinary skill in the art to have the identifying, selecting, and reading steps in Shiota et al performed by a single means interface, because it would allow efficient processing of photographic image data by a user. Neither Shiota et al nor Ueda et al go into the details of portable camera being temporarily connected to the processing system such that a particular reading method software is selected from a stored plurality of methods to read the data, but both mention efficient and convenient processing of photographic image data types. Furthermore, Kubo et al do show the portable camera being temporarily connected to the processing system and that a particular reading method software is selected from a stored plurality of methods to read the data for efficient and convenient processing of photographic image data types (Figures 4, 5, 8, column 5 lines 40-55, column 14 lines 10-62, column 16 lines 7-20. The camera is re-attached to then send the image information from which the appropriate reading method is then selected). It would have been obvious to have this in the system of Shiota et al as modified by Ueda et al, because it would allow efficient and convenient processing of photographic image data types.

8. Regarding claim 20, in addition to that mentioned for claim 19, the type of digital camera is identified by reading the prestored information in the memory of the camera (Shiota et al column 5 lines 10-39). Thus the ID data relates to the type of digital camera, and this is what is compared to determine if there is a charge.

9. Claims 8, 15, 18, and 21-22 are allowable over the prior art of record. These claims bring out the multiple reading method software which reads the photographed image data recorded in the memory of the camera to a memory of the controller, and these features combined with the other features of the claims are not set forth in the prior art of record.

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Most of the arguments pertain to claim 8, and that claim is now allowed. Note that regarding claims 16 and 19, applicant discusses identifying a type of digital camera by reading prestored information, as was discussed for claim 8, but note that this is not recited in claims 16 and 19. Claims 16 and 19 are broader. Also note that regarding the broad claim language of claim 19, the obviousness of Ueda et al for the single means does apply. As for claims 17 and 20, note that these claims do not mention a plurality of reading software or types, and that therefore identifying a type of camera may simply be determining the charge for that

camera, which is mentioned in Ueda et al, and the functionality for that is present in Shiota et al.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

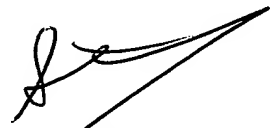
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



STEVEN SAX  
PRIMARY EXAMINER